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CLERK US DISTRICT COURT
DISTRICT OF NEVADA
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CPALEAD, LLC, a Nevada limited
liability company,

Plaintiffs,

vs.

Case No. 2:14-cv-01449-JCM-CWH

(Filed Under Seal)

ADEPTIVE ADS, LLC, a Nevada limited
liability company; JASON BUTLER, an
individual; and MICHAEL BELMONTE,
an individual,

Defendants.

DEFENDANT MICHAEL BELMONTE'S (SIMMONS') MOTION TO UNSEAL

COMES NOW the Defendant Michael Belmonte (Simmons), by and through his counsel, Daniel Marks, Esq., and Christopher L. Marchand, Esq. of the Law Offices of Daniel Marks, and hereby submits

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his Motion to Unseal. The grounds for Defendant's Motion are set forth in the attached memorandum of Points and Authorities.

DATED this 20 day of October, 2014.

LAW OFFICE OF DANIEL MARKS

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MEMORANDUM OF POINTS AND AUTHORITIES

On September 8, 2014, Plaintiff filed a Motion to Open and Maintain Action Under Seal. Plaintiff claimed the need for this matter to be filed and maintained under seal: "(1) until the Court has ruled on Plaintiff's emergency, *ex parte*, motion for a temporary restraining order, which seeks to prohibit Defendants from any further disclosure or use of Plaintiff's trade secret and otherwise confidential customer lists and proprietary software; and (2) until Plaintiff has had three business days to serve the Defendants with any temporary restraining order the Court may enter."

Both of these conditions have long been satisfied. All Defendants in the present matter have long since been served and this Court entered the Temporary Restraining Order on September 10, 2014 (which has subsequently expired and been replaced with a Preliminary Injunction). As the reasons for why this matter should have been sealed have expired the matter should be unsealed.

This Country has long recognized the right of the public to inspect and copy public records and documents, including judicial records and documents. **Nixon v. Warner Communications, Inc.**, 435 U.S. 589, 597, 98 S.Ct. 1306, 1312 (1978) (internal citations omitted). The Supreme Court has also found that pursuant to the First Amendment to the United States Constitution the public has a right to attend trials. **Richmond Newspapers, Inc. v. Virginia**, 448 U.S. 555, 580, n. 17 (1980), *see also e.g.*, **Lugosch v. Pyramid Co.**, 435 F.3d 110, 121 (2d Cir. 2006); **Publicker Indus., Inc. v. Cohen**, 733 F.2d 1059, 1061 (3d Cir. 1984); **Rushford v. New Yorker Magazine, Inc.**, 846 F.2d 249, 253 (4th Cir. 1988).

1 In light of the fact that there appears to be no reason to maintain this action under seal pursuant to
2 Plaintiff's Motion, and in light of the fact that there is a right for the public to have access to the records
3 filed in this case or to attend the Court hearings and trial, this matter should be unsealed.

4 DATED this 20 day of October, 2014.

5 LAW OFFICE OF DANIEL MARKS

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8 DANIEL MARKS, ESQ.
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12 **ORDER**

13 IT IS SO ORDERED.

14 Dated: October 22, 2014

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18 United States Magistrate Judge
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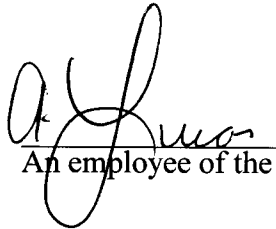
CERTIFICATE OF MAILING

I hereby certify that I am an employee of the LAW OFFICE OF DANIEL MARKS, and that on the 20th day of October, 2014, I did deposit in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with first class postage fully prepaid thereon, a true and correct copy of the foregoing **DEFENDANT MICHAEL BELMONTE'S (SIMMONS') MOTION TO UNSEAL**, to the addresses as follows:

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